

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1317

H.P. 949

House of Representatives, April 24, 1989

Reference to the Committee on Education suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representative BURKE of Vassalboro, Representative HANDY of Lewiston and Senator BRAUN of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

An Act to Codify Guidelines for Home and Private Schools.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **Sec. 1. 20-A MRSA §1, sub-§2,** as enacted by PL 1981, c. 693,
5 §§5 and 8, is amended to read:

7 2. **Approved private school.** "Approved private school"
9 means a private school approved for attendance purposes under
11 chapter 117, excluding section 2908.

13 **Sec. 2. 20-A MRSA §1, sub-§§3-A, 13-A and 19-A** are enacted to
15 read:

17 **3-A. Chief administrative officer.** "Chief administrative
19 officer" of a private school means that person designated as
21 responsible for the administration of the school by its governing
23 body or by the parents or legal guardians of students in a home
25 school.

27 **13-A. Home school.** "Home school" means a private school
29 conducted in a private home under the supervision of the parent
31 or legal guardian of a compulsory school-age student.

33 **19-A. Nonapproved private school.** "Nonapproved private
35 school" means a private school recognized for attendance purposes
37 under section 2908.

39 **Sec. 3. 20-A MRSA §1, sub-§22,** as enacted by PL 1981, c. 693,
41 §§5 and 8, is amended to read:

43 22. **Private school.** "Private school" means an academy,
45 seminary, institute or other private corporation or body formed
47 for educational purposes or group, including a home school, that
49 offers a regular instructional program conducted for purposes of
51 the compulsory attendance laws covering kindergarten through
grade 12 or any portion thereof.

Sec. 4. 20-A MRSA §2908 is enacted to read:

§2908. Requirements for nonapproved private schools

A private school not otherwise approved under this
subchapter may operate as a nonapproved private school for the
purpose of meeting the requirement of compulsory school
attendance under section 5001-A if it meets the requirements of
this section.

1. Annual letter. The nonapproved private school shall
file an annual letter with the commissioner and the
superintendent of public school administrative units in which the
students reside. The annual letter shall be delivered to the
Commissioner and the superintendent within 2 weeks after the
opening of the school or by October 1st, whichever occurs first.

1 The annual letter shall be signed by the chief administrative
2 officer of the nonapproved private school, include the name and
3 address of the chief administrative officer and a mailing address
4 for the school, and shall include the following information:

5
6 A. That the nonapproved private school provides
7 instruction appropriate to its grade levels in the
8 English language consisting of reading, writing,
9 spelling, grammar, mathematics, science, American
10 history, Maine history and geography and civil
11 government, including the privilege and responsibility
12 of citizenship;

13
14 B. That all teachers in the nonapproved private
15 school, who teach the curriculum in paragraph A, have
16 been examined and approved for competency by the
17 administration of the nonapproved private school;

18
19 C. That the school will be in operation a minimum of
20 175 days or 875 hours;

21
22 D. That the nonapproved private school buildings are
23 in compliance with all applicable state and local fire,
24 health and safety laws. This paragraph shall not apply
25 to a home school; and

26
27 E. That the following information regarding academic
28 assessment is furnished to the parents for each
29 student, as applicable: methods of assessment used,
30 subjects in which assessment is made, grade levels at
31 which assessment is made and results of assessment. In
32 addition, it shall be stated in the annual letter that
33 parents shall be furnished academic progress reports a
34 minimum of 4 times annually.

35
36 2. Annual roster. The commissioner shall develop an
37 annual roster of the nonapproved schools that are providing
38 equivalent instruction under this section. The commissioner
39 shall give annual notice of the nonapproval option to each
40 existing and newly created private school.

41
42 **Sec. 5. 20-A MRSA §5001-A, sub-§3, ¶A, as enacted by PL 1983,**
43 **c. 806, §49, is amended to read:**

44
45 A. Equivalent instruction alternatives are as follows.

46
47 (1) A person shall be excused from attending a public
48 day school if ~~the person obtains equivalent instruction~~
49 ~~in a private school or in any other manner arranged for~~

1 ~~by the school board and if the equivalent instruction~~
2 ~~is approved by the commissioner:~~

3
4 (a) The person obtains equivalent instruction in a
5 private school or in any other manner arranged for
6 by the school board and if the equivalent
7 instruction is approved by the commissioner; or

8
9 (b) The person obtains equivalent instruction in a
10 nonapproved private school which is recognized for
11 attendance purposes in accordance with section
12 2908.

13
14 (2) If any request to be excused is denied by a school
15 board, an appeal may be filed with the commissioner.
16 The commissioner shall review the request to be excused
17 to determine whether the school board has been correct
18 in its finding that no equivalent instruction is
19 available to the person. If the commissioner finds
20 that equivalent instruction is available to the person,
21 the commissioner shall approve the request to be
22 excused.

23
24 (3) A student shall be credited with attendance at a
25 private school only if a certificate showing the name,
26 residence and attendance of the person at the school,
27 signed by the person or persons in charge of the
28 school, has been filed with the school officials of the
29 administrative unit in which the student resides.

30
31
32
33 **STATEMENT OF FACT**

34
35 This bill establishes guidelines for private schools and
36 schooling conducted in private homes under the supervision of the
37 parents or the legal guardians of the students. The bill sets
38 forth conditions under which attendance at private schools,
39 including home schools, might meet the requirement of compulsory
40 school attendance. These conditions include meeting requirements
41 on the curriculum taught, teacher competency, length of school
42 year, compliance with safety laws and provision of academic
43 progress reports.